

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

SHAN, et al.

Atty. Dck. No. 108061-09013

Serial Number: 09/481,572

Group Art Unit: 1651

Filed: January 11, 2000

Examiner: Meller, M.

For: HYPERICIN AND HYPERICIN EXTRACT: SPECIFIC T-TYPE CALCIUM
CHANNEL BLOCKERDECLARATION UNDER 37 CFR 1.132

Dear Sir:

I, Jacqueline J. Shan, declare as follows:

1. I am one of the inventors of the above-identified application and am fully familiar with the subject matter thereof, as well as the references relied upon by the Examiner.
2. I understand that the claims in the above-identified application are considered unpatentable over EP 847 756 and over the combination of BE 654914 or DE 1692045 in view of EP 847 756.
3. To the best of my knowledge, the current scientific knowledge is that the diseases claimed in claim 3 of this application have no direct relationship to, and are not considered to be secondary causes of, Hepatitis C infection. Therefore, the mechanism of action as claimed in this application, that of blocking of T-Type calcium channels, is unrelated to the

SEP. 24. 2002 5:11PM ARENT FOX DC2

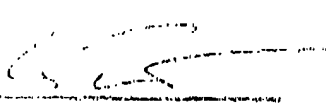
NO. 1967 P. 3

anti-viral activity of European Patent No. 847,756; and thus this application should and can be considered as not anticipated by EP 847,746.

4. Hepatitis C, as a virus, cannot be treated by using a T-type calcium channel blocker as the Hepatitis C virus does not possess this type of channel in its viral coat.

5. The undersigned declarant declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001, of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 25 day of September, 2001.



(signed)

Jacqueline J. Shan
(typed)